



*[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ola OLOFSSON et al.

Group Art Unit: 3679

Serial No.: 09/910,960

Examiner: V. MacArthur

Filed: July 24, 2001

For: GUIDING MEANS AT A JOINT

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

On April 25, 2007, Applicants received a second Notice of Non-Compliant Appeal Brief. Therein, the Examiner asserted that although the appealed claims were fully supported by the originally filed specification, Applicants were prohibited from referring to particular parts of the originally filed specification in the Summary of Claimed Subject Matter in an Appeal Brief.

In order to understand the Examiner's position, a Telephonic Interview was conducted by the undersigned's associate (Eric Robins, Reg. No. 45,047) on May 1, 2007. Therein, the Examiner informed the Mr. Robins that despite the fact that the claims are fully supported by the originally filed specification, because such support is not contained *only* in the part of the originally filed specification between the title and the first claim (erroneously referred to by the Examiner as the "written description"), Applicants' cannot refer to portions of the specification outside the portion between the title and first claim in the Summary of Claimed Subject Matter section in the Appeal Brief.

During the interview, Mr. Robins expressly disagreed, and directed the Examiner's attention to, *inter alia*, 35 USC § 112, where the specification is defined as *including* not only the alleged written description, but also the drawings *and claims* (35 USC § 112, second paragraph, "The specification *shall conclude with one or more claims ...*"). Thus, Applicants' representative explained to the Examiner that his position was contrary to law, as the relevant statutes, CFR and

STATEMENT OF SUBSTANCE OF INTERVIEW

U.S. Appl. No. 09/910,960

Page 2

MPEP require that written description for claims be found in the originally filed specification, and as the originally filed specification includes the claims, the Applicants' representative explained to the Examiner that his position was unsupported by controlling authority.

Applicants disagree with the Interview Summary Record provided by the Examiner.

Respectfully submitted,



Thomas P. Pavelko

Registration No. 31,689

TPP/EPR/mat

Attorney Docket No.: TPP 30887CIP2

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.

1615 L Street, N.W., Suite 850

Washington, D.C. 20005-2477

Telephone: (202) 785-0100

Facsimile: (202) 408-5200 or (202) 408-5088

Date: June 13, 2007